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FISCAL IMPACT STATEMENT

LS 6238

BILL NUMBER: HB 1026

NOTE PREPARED: Jan 18, 2007

BILL AMENDED:

SUBJECT: Ignition Interlock Devices.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ___GENERAL
DEDICATED
FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past, but only if the court grants the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device or the person participates in a court-supervised alcohol treatment program in which the person is taking disulfiram
- B. It requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Ignition Interlock Devices* – Counties do not incur any additional cost when a court orders a person convicted of operating while intoxicated (OWI) to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock

system on their car typically pay for the entire costs of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. Indigent persons are not required to pay the entire fee.

Under current law, courts can suspend a person's driving privileges depending on the frequency of OWI convictions and may order the use of an ignition interlock device as a condition of probationary driving privileges. As proposed, any time the sentencing court grants probationary driving privileges, the court must order that probationary driving privileges include either the installation of an ignition interlock device for six months or participation in an alcohol treatment program in which the drug disulfiram is administered. The following table shows the current provisions in statute and what is proposed by this bill.

<u>Prior History</u>	<u>Current Law -- Length of Suspended License</u>	<u>Proposed Conditions – If Probation Is Granted for Driving Privileges</u>
No prior or no prior in over 10 years.	90 to 180 Days	Mandatory use of ignition interlock device for 6 months or use of disulfiram as part of supervised alcohol treatment program
Prior OWI between 5 and 10 years.	180 days to 2 years	
Prior OWI within past 5 years.	1 and 2 years; court may grant probationary license if the person uses ignition interlock system or uses disulfiram as part of supervised alcohol treatment program	

The Bureau of Motor Vehicles reports the number of drivers with suspended licenses for OWI-related offenses below.

New License Suspensions by Calendar Year						
	2000	2001	2002	2003	2004	2005
OWI per se	2,459	3,048	4,617	4,885	5,017	4,717
OWI	13,332	12,499	13,024	12,137	11,718	11,539
OWI/ Unspecified	16	11	17	7	6	5
Prior OWI/5 Yrs	4,006	3,772	3,799	4,328	4,233	3,971
OWI Causing Injury	67	64	75	76	87	86
OWI Causing Death	27	21	22	30	29	36
Total OWI-Related Suspensions	19,907	19,415	21,554	21,463	21,090	20,354

Ignition interlock systems appear to be used sparingly by courts in Indiana. This is reported to be due in part to the limited number of service providers available in some counties and because some judges believe that the fee amounts are too expensive for some defendants.

In an informal survey, Criminal Justice Institute staff reported that the following courts order ignition interlock devices for OWI offenders:

- Porter Superior Court # 4
- Clark Superior Court # 3

- Jefferson City Court
- Tippecanoe Superior Court #6

Use of Disulfiram – Disulfiram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfiram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfiram as part of an alcohol treatment program.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts with OWI jurisdiction.

Information Sources: Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute.

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